

20 a microbial decontamination chamber connected with
the well for receiving the anti-microbial solution, the well,
the porous region, and the chamber forming a recirculating fluid
flow path for the anti-microbial solution, whereby the
recirculating anti-microbial solution passes over the indicator.

22. (Amended) The package of claim 2, wherein the
package further includes:

5 an outer, first cup including a first peripheral wall
with an opening at an end, the first peripheral wall being at
least selectively water transmissive;

an inner, second cup including a second peripheral
wall, the second peripheral wall having a water permeable
portion, the first and second cups being configured such that
the second peripheral wall abuts and is connected to the first
10 cup adjacent the end of the first peripheral wall;

a top cover covering the opening[s] in the first [and
second] cup[s], such that the first compartment is defined in
the first cup and the second compartment is defined in the
second cup.

REMARKS

Appellants have amended claim 3 to remove reference
to the cartridge, which does not appear in the parent claim.
This simplifies the issues on appeal by eliminating a potential
indefiniteness problem.

7 { Dependant claim 6 has been amended to clarify that
it is the water permeable portion which includes a region which
is impermeable to the first and second components, rather than
a separate region.

Claim 15 has been amended to provide antecedent basis
for the decontaminant. This simplifies the issues on appeal by
eliminating a potential indefiniteness problem.

Claim 19 has been amended to claim the single use
package specifically, rather than inferentially.

Claim 22 has been amended to remove reference to the
opening in the second cup in the last clause, for which there

was no antecedent basis. This simplifies the issues on appeal by eliminating a potential indefiniteness problem.

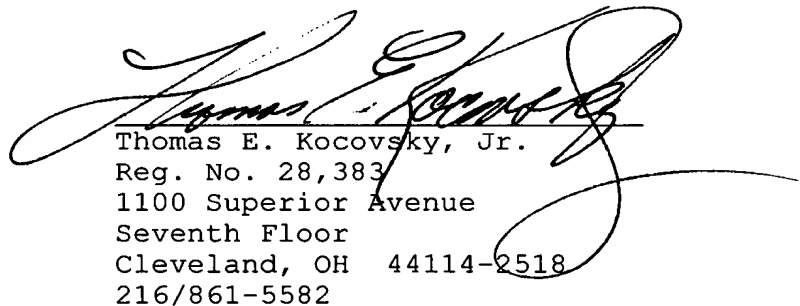
Because this amendment reduces the issues on appeal, it is submitted that it should be entered (MPEP 1207).

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-23 distinguish patentably and unobviously over the references of record. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that **one copy** of this **AMENDMENT D** accompanying an **APPEAL BRIEF** in connection with U.S. Patent Application **Serial No. 09/314,497** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on this 22nd day of October, 2002.

By: Hilary McNulty